

Canada



A Force for **Fairness**



2006-2007 ANNUAL REPORT

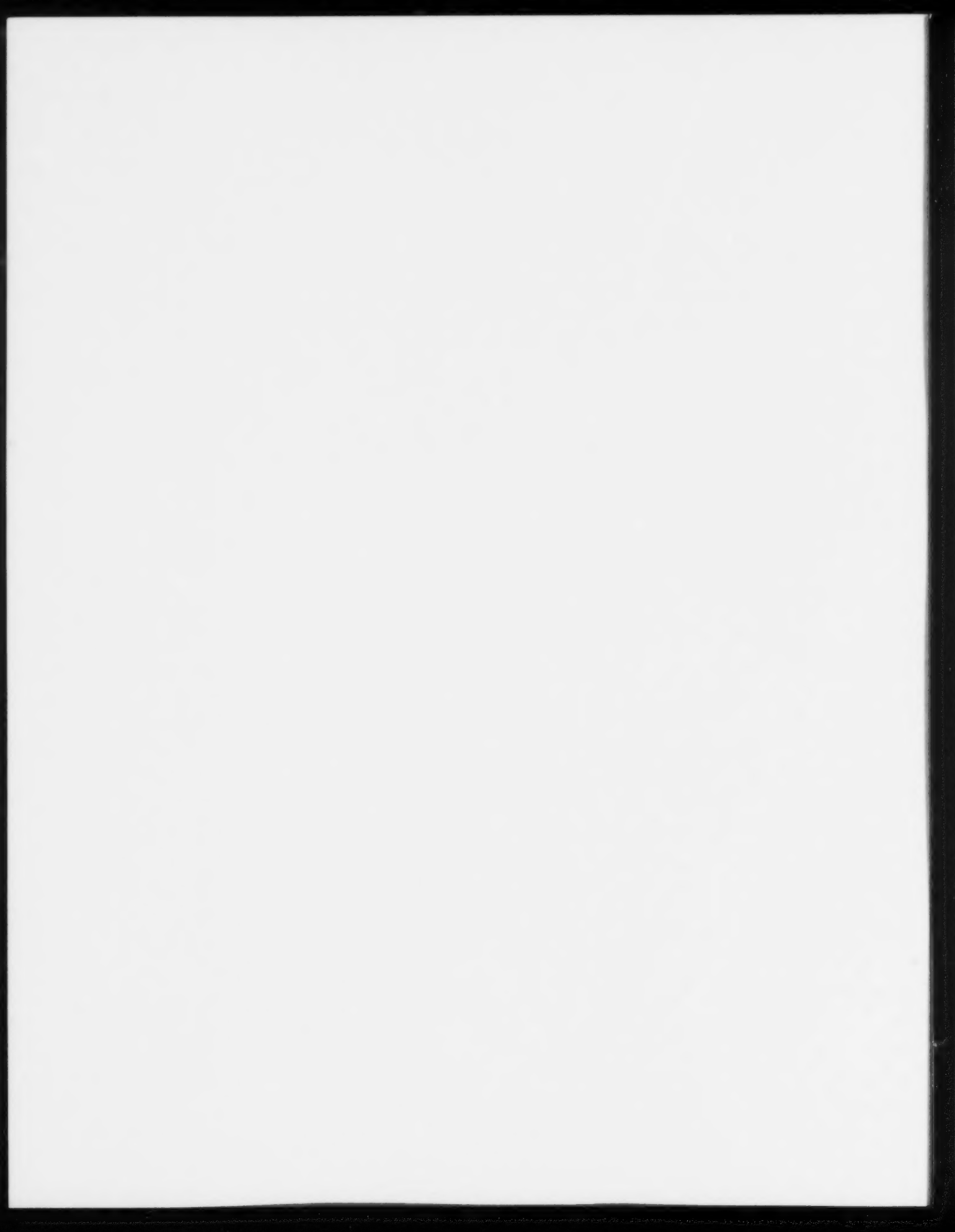


Ombudsman

National Defence
and Canadian Forces



Défense nationale
et Forces canadiennes



July 2007

The Honourable Gordon O'Connor, P.C., M.P.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
Canada
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Dear Minister,

I am pleased to submit to you the 2006-2007 annual report for the Office of the Department of National Defence and Canadian Forces Ombudsman.

This report is meant to provide you with an overview of our activities and operations from April 2006 to the end of March 2007. It details, in particular, the work that our office has undertaken to assist Canadian Forces members, Department of National Defence employees, military families and our other constituents in resolving complaints and concerns related to the Department and the Canadian Forces.

I look forward to continuing to work with you to improve the overall welfare of all members of Canada's Defence community.

Yours truly,



Yves Côté, Q.C.
Ombudsman

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Ombudsman's Message

In my first full year as Department of National Defence and Canadian Forces Ombudsman, I am proud to say that our office – and, more specifically, our dedicated staff – has achieved real and positive results for the members of Canada's Defence community.

Most notably, our investigators and intake officers helped 1,514 members of the Canadian Forces, employees of National Defence, military families and other constituents resolve a broad range of complaints and concerns over the past year. As I mentioned last year, these successes at the individual level form the most important part of our work; unfortunately, given that they do not generate headlines, they are all too often overlooked.

In 2006-2007, we published two special reports, *Heroism Exposed* and *The Canadian Face Behind the Recruiting Targets*, that I am confident will lead to important changes for our military members who served their country in Kuwait in 1991 and for Canadians looking to join the Canadian Forces. Over the coming months, we will be following up, in a rigorous manner, on the recommendations we made in these special reports, as well as on the recommendations we presented to the Minister of National Defence and the Chief of the Defence Staff in our most recent special report, *A Sniper's Battle – A Father's Concern*, that was published at the end of April 2007.

I was also pleased that two significant recommendations from our previous special reports, *For the Sake of Fairness* and *When a Soldier Falls*, were implemented over the past year. I welcomed the compensation package that was finally provided to Mr. Clifton Wenzel for the pension that was unjustly denied him many years ago, as well as the settlement that was reached with

Mrs. Christina Wheeler and her family for the tragic death of her husband, Master Corporal Rick Wheeler, and for the unacceptable way in which the Department and the Canadian Forces handled this unfortunate matter over many years. In this latter case, I should note that our office is continuing to pursue the other recommendations in our special report, particularly those related to the quality of treatment that military families receive from the Canadian Forces when their family members are injured or killed in the course of their service to Canada.

While delivering real results for the members of the Defence community over the past year, we also proceeded with a reorganization of our Operations group with the goal of providing better and more efficient service to our constituents. The details and final outcome of this reorganization can be found in a subsequent section of this report, but I am very confident in saying that our work over the past year will allow our office to be much more agile and responsive in serving the members of the Defence community. I would like to take the opportunity to thank the Department and the Canadian Forces for providing our office with additional funding for specific internal initiatives. This additional funding, combined with a significant internal reallocation exercise, will allow us to complete our reorganization in the near future.

Based on my meetings and discussions with Canadian Forces members of all ranks and occupations, military spouses, representatives of our Military Family Resource Centres, members of my Advisory Committee, Parliamentarians and many others over the past year, I would like to make some general observations about the overall well-being of Canada's Defence community.



Yves Côté, Q.C.
Ombudsman

Most significantly, and in large measure resulting from operations in Afghanistan, the Canadian Forces is under tremendous pressure across-the-board. This means that our military personnel are being asked to take on additional responsibilities - in some cases, they are being double or triple tasked. And I have noticed an increasing level of fatigue across the country. I also know that our military families are facing demands, and a level of stress, that they have not had to face in many decades.

The welfare of our military families is an important issue that I intend to monitor very closely over the next year. The Canadian Forces claims to be family-oriented and has made noticeable progress in this regard in recent years, particularly in its support of the Military Family Resource Centres across the country and around the world. However, there are still a number of important areas where improvements could be made. For example, I heard several cases where the special needs of families (e.g., families with disabled children) were not taken into account when they were re-located to a different military base or wing. I also heard countless cases of military families being unable to get appropriate medical care after they have been moved. This is a major problem that demands immediate attention.

Another problem that I will be watching closely over the coming year is the extraordinary strain that currently exists on the Canadian Forces training system. A high tempo of military operations, a limited number of qualified trainers and dramatically increased recruiting targets are all combining to challenge the military training system and to frustrate the military recruits that are left in a holding pattern. I am particularly concerned with the large influx of military recruits that complete

basic training at Canadian Forces Base St. Jean and are then forced to wait many months for their specific trade courses to begin at Canadian Forces Base Borden. In many cases, anxious and energized new recruits are left discouraged and disillusioned with the Canadian Forces before their military careers even begin. The Canadian Forces needs to be much more aggressive and innovative in managing this pressing issue.

A third significant concern that I will be monitoring closely over the next year is related to communications, particularly how the organization communicates with its people and with the broader Defence community. I heard a large number of complaints from non-commissioned members, new recruits and would-be recruits about the very rigid type of communications they received from the Canadian Forces or, worse, about information being denied them or being simply wrong. Although the Canadian Forces strives to be an employer of choice, it continues to view career management as a top-down exercise with little or no consultation required. I have also become increasingly troubled by the way in which the Canadian Forces communicates with military families, particularly families who have lost loved ones in the course of their duties. As we saw in our recent special report, *A Soldier's Battle - A Father's Concern*, and in a number of other instances (including with Mrs. Wheeler and her family), the Canadian Forces needs to be more compassionate and responsive in its dealings with families of deceased or injured military personnel.

A key visit for me last year was my trip to Afghanistan to tour the Canadian military operation and to meet with a broad cross-section of Canadian Forces personnel and support staff serving as part of the NATO-led International Security Assistance Force.



During my time in Kandahar, I saw Canadian Forces personnel and civilian employees working extremely long hours under very challenging conditions. They were tired but they were also energized, engaged and dedicated to their mission. Our military members told me that they were very much satisfied with the quality of their equipment, and were extremely happy with, and proud of, the degree of support that they were receiving from their government and from Canadians. What I saw and heard in Kandahar last January was comforting for me as Ombudsman: Despite the very real dangers and difficulties of the mission, our military members and civilian employees felt meaningfully engaged and strongly supported. Our office has resolved several concerns that were raised with us in Kandahar and we continue to work on several others. More generally, I am committed to monitoring the Afghanistan operation and the effects that it is having on our military members and their families.

In addition to this commitment, I have a number of priorities for the coming year. In terms of our investigations, I expect to release our third special report on the critical issue of operational stress injuries (including post-traumatic stress disorder) in the fall of 2007. The Canadian Forces has made important progress on this issue in the past few years but it is clear that there are real problems that still need to be addressed. Also in the fall of 2007, we expect to publish a special report on how injured Reservists are treated. I raised this issue as a serious concern in last year's annual report and its significance has only increased with more than twenty percent of our deployed troops in Afghanistan being made up of Reservists. In addition, we will be following up on our second letter to the Minister of National Defence calling on him to address

the current injustice related to the Service Income Security Insurance Plan – Long Term Disability Plan. Finally, I expect that we will launch two new systemic investigations and complete both of them within nine months of their launch date.

Over the coming months, we will also complete the reorganization of our Operations group. This internal work will allow us to address complaints and concerns in a much more responsive manner when they are brought to our office by members of the Defence community. It will also allow us to identify potential problems and to address them early so that they can be avoided altogether or, at least, their effects minimized.

Our office will also focus on building and implementing a robust outreach program in 2007-2008. With the overall goal of increasing the level of awareness and understanding of our mandate and role within the Defence community, we will focus more of our efforts on Canadian Forces entry and leadership courses at various levels across the country. We will also reach out more aggressively to military families with the assistance of the Military Family Resource Centres. I find it unacceptable that those in need in the Defence community may not know that our office exists to help them.

As I indicated in our recent special report, *A Soldier's Battle – A Father's Concern*, another key priority for me is to secure legislative investigative powers for our office. During the course of this investigation, our team faced considerable resistance in obtaining complete documents in a timely manner from the Department and the Canadian Forces, a problem that our office had not encountered previously in an investigation. Although, in the end, our investigators were able to access and review all relevant documentation, our ability to treat this

complaint in a timely manner was hindered. It is clear that the only appropriate and acceptable way in which to ensure that this type of situation does not occur again in the future is for our office to be provided with the same powers as other federally and provincially appointed Ombudsmen. Over the coming year, I will be working to get full investigative powers under legislation.

Finally, following the announcement of the creation of an Ombudsman for Canada's veterans, it will be a priority for us to develop a solid relationship with this new office. I am committed to working with the new Veterans Ombudsman to ensure that our two offices provide the best possible service to Canada's veterans and members of Canada's Defence community.

Although we have more work to do on many fronts, I am proud of what our office and our dedicated staff have accomplished over the past year. In many respects, our role is like that of a 'canary in a coal mine': We work to identify and resolve problems before they may be noticeable to most and before they irreparably harm members of the Defence community or the institution as a whole. We intend to continue to fulfill this role vigilantly.

I look forward to reporting on the progress that we make and on the results that we achieve on the commitments that I have laid out above. With the solid support that we have received from the Minister of National Defence, his senior staff and the Department and the Canadian Forces, I am optimistic that we will continue to make a real and positive difference for the members of Canada's Defence community.

Yves Côté, Q.C.
Ombudsman

Independent
and impartial,
we are dedicated
to fairness for all.



An Office that Can Help

The Office of the Ombudsman was created in 1998 to increase openness and transparency in the Canadian Forces and the Department of National Defence, as well as to ensure the fair treatment of concerns raised by Canadian Forces members, departmental employees, and their families.

The office acts as a direct source of information, referral and education. It helps members of the Defence community navigate a large and complex organization in order to access existing channels of assistance or redress when they have a complaint or concern.

The office is also responsible for reviewing and investigating concerns and complaints from current and former Canadian Forces members, departmental employees, military family members and other constituents who believe that they have been treated improperly or unfairly by the Department of National Defence or the Canadian Forces.

Ombudsman investigators always attempt to resolve complaints informally and at the lowest level possible. However, complaints can also be the subject of thorough investigations, leading to a formal report with findings and recommendations that are made public.

More broadly, the Ombudsman has a mandate to investigate and make recommendations to improve the overall well-being and quality of life of the members of the Defence community. Investigations from the office have led to substantial and long-lasting improvements in the Canadian Forces, including important changes in the areas of post-traumatic stress disorder and operational stress injuries, and improvements in the treatment received by the families of military members who are killed in the course of their duties.

The Ombudsman, Mr. Yves Côté, is completely independent of the military chain of command and senior civilian management, reporting directly to the Minister of National Defence. The Ombudsman is designated through a Governor-in-Council order, pursuant to section 5 of the *National Defence Act*. Mr. Côté, who was appointed for a five-year term in August 2005, holds office during good behaviour. The office, itself, derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives (DAODs).

The Ombudsman is supported by an office of about fifty public servants, including thirty investigators and intake officers with a great deal of knowledge of, and expertise in, military matters. Ombudsman investigators include former local and national police officers, former Canadian Forces members of all ranks and occupations, public servants from across the federal government and a former ombudsman from another jurisdiction.

The Ombudsman also receives advice and guidance on key issues from an advisory committee, which is chaired by a retired Lieutenant-General and profits from a number of prominent members from the military community as well as a former Ontario Ombudsman and the Dean of Civil Law at the University of Ottawa.

The Office of the Ombudsman stands ready to help members of the Defence community, including:

- Current and former members of the Canadian Forces (Regular Force and Reservists);
- Individuals applying to become a member of the Canadian Forces;
- Current and former members of the Cadets;

- Current and former employees of the Department of National Defence;
- Current and former Non-Public Fund employees;
- Immediate family members of any of the above-mentioned; and
- Individuals on exchange or secondment with the Canadian Forces.

Members of the Defence community who bring a concern or complaint to the Ombudsman's Office can do so without fear of reprisal. In addition, all information obtained by the office during the handling of cases is treated as confidential. The office will not provide any information related to a case or investigation to anyone without written consent from the complainant.

How to Contact Us

Members of the Defence community can submit a complaint to us:

- Through our secure online complaint form located at:
www.ombudsman.forces.gc.ca;
- By telephone at 1-888-828-3626;
- By fax at 1-877-471-4447; or
- By mail at: Office of the Ombudsman
100 Metcalfe Street, 12th Floor, Ottawa,
Ontario K1P 5M1

For additional information about the Office of the Ombudsman, please call our general inquiries number at 1-888-828-3626 or visit us online at **www.ombudsman.forces.gc.ca**.

Our mission
is to bring
positive change
to the Defence
community because
we care about the
people we serve.



The Year in Review: 2006-2007

Over the past year, the Office of the Ombudsman achieved real and positive results for the members of Canada's Defence community.

Throughout 2006-2007, the office received 1,486 new complaints and 34 requests for information from Canadian Forces members, civilian employees, military family members and other constituents. Ombudsman investigators and intake officers handled some 1,821 cases, including a number of cases that were left over from previous fiscal years. As has been the case in the past, the top five categories of complaints were related to benefits, release from military service, recruiting, medical issues, and harassment.

Since it was established, the office has been contacted more than 11,500 times by members of the Defence community looking for assistance.

In addition to the large number of individual cases that were handled by investigators and intake officers, two special reports were finalized and published in 2006-2007. In July 2006, the Ombudsman released a report on the Canadian Forces recruiting system, entitled *The Canadian Face Behind the Recruiting Targets*. In addition to identifying a number of problem areas in the current military recruiting system, the report contained 18 recommendations aimed primarily at improving the level of service that is provided to Canadian applicants.

In October 2006, the Ombudsman issued a special report, entitled *Heroism Exposed: An Investigation into the Treatment of 1 Combat Engineer Regiment Kuwait Veterans (1991)*, regarding the treatment received by Canadian Forces members exposed to toxic environmental substances more than a decade and a half ago. *Heroism Exposed*

contained nine recommendations aimed specifically at improving the way in which the Canadian Forces communicates and documents concerns – real, perceived and potential – related to environmental hazards on international military operations.

Over the past year, the Office of the Ombudsman also launched its first systemic investigation involving Canadian Forces Reservists. The investigation focused on the quality of care that Reservists or former Reservists received when they sought medical treatment from the Canadian Forces over the past three years. It is expected that the investigation will be finalized, and a special report published, in the fall of 2007.

In 2006-2007, the Office of the Ombudsman followed up aggressively on recommendations from previous special reports that had not yet been acted upon by the Department of National Defence and the Canadian Forces. As a result of these and other efforts, the Ombudsman was pleased to welcome the implementation of his recommendation to compensate Squadron Leader (Retired) Clifton Wenzel for the pension that he was unjustly denied over the past four decades.

In November 2006, the Ombudsman also welcomed the implementation of the office's recommendation to compensate Mrs. Christina Wheeler and her family for the tragic death of her husband, Master Corporal Rick Wheeler, and for the unacceptable way in which this unfortunate matter was handled by the Department and the Canadian Forces for more than a decade. The office also launched a broader review of the level of implementation of the other recommendations in the 2005 special report *When a Soldier Falls*.

In March 2007, the Ombudsman followed up on the two outstanding recommendations that were made in the office's 2003 special report *Unfair Deductions From SISIP Payments to Former CF Members*. In a letter to the Minister of National Defence that was posted on the office's website, the Ombudsman put forward a comprehensive case calling for an end to significant inequities related to the Service Income Security Insurance Plan - Long Term Disability Plan (SISIP LTD) that is provided to injured Canadian Forces veterans. The Ombudsman wrote that it is "fundamentally unfair that military members who are medically unable to serve in the Canadian Forces - and who are forced to give up their career and way of life - do not receive the full benefit of their *Pension Act* disability pension. But this is clearly the case as a result of their SISIP LTD monthly income replacement benefit being reduced by the amount of their disability pension." As of the end of April, when this annual report was finalized, the Ombudsman had not received a response to his letter.

Throughout 2006-2007, the Ombudsman and Ombudsman investigators also visited members of the Defence community at military bases, wings and facilities in Afghanistan, Borden, Colorado Springs, Comox, Esquimalt, Galetown, Greenwood and Trenton. The purpose of these visits was to gain a first-hand appreciation of the work done by Canadian Forces members and National Defence employees throughout Canada and around the world, as well as to speak to them informally about their concerns. Following these visits, a significant number of individual complaints were assessed and acted upon by Ombudsman investigators.

For example, when the Ombudsman traveled to Canadian Forces Base Borden in

November 2006, he met with more than thirty francophone military recruits who spoke of serious difficulties and frustrations flowing from the fact that the chain of command and instructional staff would deal with them primarily - and often solely - in English. When he returned from this visit, the Ombudsman raised the issue with the Chief of the Defence Staff asking him to take action to rectify the situation.

Over the past year, the Ombudsman continued to strengthen relationships on a number of fronts, including meeting regularly with the Minister of National Defence and the Chief of Military Personnel to resolve individual and broader concerns and problems related to the Department and the Canadian Forces. The Ombudsman also met with the Deputy Minister, the Vice Chief of the Defence Staff, the Commander of Canadian Expeditionary Force Command, the Chief of the Maritime Staff, and many other senior civilian managers and military leaders across the country to discuss issues related to the well-being of the members of the Defence community.

With the goal of increasing awareness and understanding of the office's mandate and role within the Defence community, the Ombudsman and Ombudsman investigators participated in a number of military conferences and leadership courses over the past year, including: the annual Air Force Honourary Colonels conference; the Base Commanders Forum; an annual conference of Canadian Forces Padres; a Director-General of Military Careers conference; a Director General Canadian Forces Grievance Administration conference; an annual meeting of Directors of Military Family Resource Centres; a Canadian Forces Chief Warrant Officer Council; and two



Chief Warrant Officer Qualifying Courses.

The Ombudsman also reached out to dozens of Parliamentarians who have large numbers of Canadian Forces members and National Defence employees in their ridings. At these meetings, the Ombudsman informed the Members of Parliament of the office's mandate and offered to assist them in addressing specific complaints from members of the Defence community in their constituencies. The Ombudsman also took note of any concerns that the Parliamentarians had regarding the overall well-being of Canadian Forces members, departmental employees and military families.

In 2006-2007, the Ombudsman's Office also played a leadership role in promoting the principles of ombudsmanry. Most notably, the Ombudsman provided advice and guidance on the creation of a Veterans Affairs Ombudsman, including to the House of Commons Standing Committee on Veterans Affairs. The Ombudsman and Ombudsman investigators also met with the Dutch Inspector General, the German Parliamentary Commissioner, the Korean Ombudsman, a South African Parliamentary Delegation and two United Nations Staff Officer courses to discuss the roles, responsibilities and value of a military ombudsman. And, in September 2006, the Ombudsman served as a representative of the Government of Canada at a conference in Germany that was dedicated to the protection of human rights of armed forces personnel and the importance of independent complaint mechanisms such as the ombudsman function. At this conference, Canada was recognized as a world leader in the area of military ombudsmanry.

Over the past year, the Office of the Ombudsman also launched a significant reorganization of its Operations group with the goal of increasing the quality and timeliness of the services provided to the members of the Defence community. One initiative included replacing the existing structure (*i.e.*, a General Investigations section and the Special Ombudsman Response Team) with three smaller and more nimble investigative teams that could manage both individual and broader, systemic investigations. The Operations group also expanded the capacity of the Intake section to allow for more timely interventions and informal resolutions to complaints and concerns from members of the Defence community. The reorganization will also see enhanced standard operating procedures, a more robust case tracking and management information system, and a strengthened research and policy development function within the Operations group.

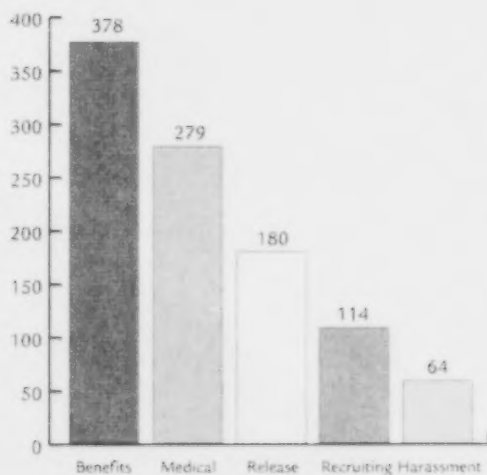
Throughout 2006-2007, the Office of the Ombudsman also focused on putting in place measures to increase openness, transparency and accountability in its activities and operations. For example, the office launched a new Internet site that will allow Canadians, including members of the Defence community, to track the ongoing progress of its special investigations, as well as the status of all of the recommendations that it has made to the Minister of National Defence and the Department of National Defence and Canadian Forces since it was established in 1998. The Ombudsman also met with his advisory committee in May and October 2006 and January 2007 to discuss the key priorities and commitments of the office, and to get the feedback of committee

members who have specialized expertise in military matters and comprehensive knowledge of the ombudsman profession. As part of these meetings, the committee has provided important advice on some of the broader issues facing the Department

of National Defence and the Canadian Forces, including: the 'human dimension' related to the mission in Afghanistan; operational stress injuries and post-traumatic stress disorder; and the challenges facing military families.

TOP FIVE COMPLAINTS (2006-2007)

The most common types of complaints received by the Office of the Ombudsman in 2006-2007 are as follows:



1. Benefits: including complaints concerning the unfair denial of benefits and the forced repayment of monies by members due to an administrative error.
2. Medical: including complaints related to the treatment of people who believe they have been exposed to hazardous substances in the workplace or on deployment; complaints related to inadequate medical treatment and/or follow-up care; and complaints related to operational stress injuries.
3. Release: including complaints by members who feel they are being unjustly released; where their voluntary release requests are delayed; and/or where members are contesting the assessment of their medical condition.
4. Recruiting: including complaints related to the unfair rejection of applications; the rigid application of the medical conditions for enrolment; and delays with the recruiting process.
5. Harassment: including complaints involving the abuse of power; improper procedures; and delays with the complaint process.

The office also assists people with complaints regarding postings, promotions, leave, access to information and privacy, training and more.

Focused on Positive Results

In addition to handling some 1,821 individual cases, and closing 1,514 of them, the Office of the Ombudsman also made significant progress on a number of systemic files and investigations over the past year.

Highlights

The Canadian Face Behind the Recruiting Targets:
A Review of the Canadian
Forces Recruiting System –
From Attraction to Enrolment

On July 19, 2006, the Ombudsman released a special report on the military recruiting system, entitled *The Canadian Face Behind the Recruiting Targets: A Review of the Canadian Forces Recruiting System – From Attraction to Enrolment*. The report focused on the way in which applicants were treated by the Canadian Forces from the time of their first contact with the military to the point when they were either enrolled or found to be unsuitable for military service. The review of the recruiting system also included areas where a perceived lack of effectiveness or efficiency on the part of the Canadian Forces had a negative impact on Canadian applicants.

As part of the review, the Office of the Ombudsman selected 301 complaints received between 2003 and 2005 for in-depth study. These complaints revealed a number of potential systemic issues within the Canadian Forces recruiting and selection process, including: a lack of responsiveness on the part of some recruiters in their dealings with applicants; excessive delays in the recruiting process, particularly with the medical assessment and security portions of the process; and

inconsistencies in the application of recruiting incentives or bonuses being offered to potential recruits.

In total, the investigative team interviewed more than 250 individuals, including 35 complainants. Investigators also visited and spoke to Canadian Forces Recruiting Group (CFRG) Headquarters staff; 18 Canadian Forces Recruiting Centres; and a variety of Regular Force and Reserve Units. Investigators also consulted with organizations outside of the Department of National Defence and the Canadian Forces, including the Royal Canadian Mounted Police, the Ottawa Police Department and the Ottawa Fire Service, to assess their recruiting policies, procedures and initiatives.

As a result of this work, investigators found that, since 2002, the Canadian Forces has met or has come close to meeting its overall recruiting targets, thus confirming the May 2006 findings of the Auditor General of Canada. However, the investigation also concluded that there was significant room for improvement related to recruiting. In particular, the Ombudsman emphasized his concern regarding the number of applicants that quit the process as a result of a problem or delay experienced during one of the recruiting phases.

"For the overwhelming majority of new applicants, the initial recruiting phase is their first experience with the Canadian Forces," stated Mr. Côté when he released this special report. "If this experience is unsatisfactory for any reason, there is a strong possibility that an applicant will quit the process. This could – and does – result in the loss to the Canadian Forces of some of the most skilled and talented Canadians."



The Canadian
Face Behind the
Recruiting Targets:
A Review of the
Canadian Forces
Recruiting System –
From Attraction
to Enrolment

In addition to identifying a number of problem areas in the current military recruiting system, the special report contained 18 recommendations aimed primarily at improving the level of service that is provided to Canadian applicants. Focused on re-positioning the recruiting process as a 'client focused' service, the recommendations called for, among other things, the creation of comprehensive service standards (e.g., a standard time-frame in which applicants can expect to receive replies to their questions) that would be used by all recruiting centres across the country; additional training for recruiting centre staff; the clear assignment of responsibility and authority for the overall military recruiting process; and a reduction of delays in the security screening process.

The report also provided a number of recommendations meant to improve the recruiting incentive program and highlighted the urgent need for a comprehensive National Reserve Recruiting Policy.

In January 2007, Ombudsman investigators initiated a review of the level of implementation of the 18 recommendations in *The Canadian Face Behind the Recruiting Targets*, as the office had committed to doing in the special report. As part of this review, the Chief of Military Personnel for the Canadian Forces indicated that all 18 recommendations had been accepted, seven had already been implemented, seven were in the process of being implemented, and four were still under review. The Office of the Ombudsman will continue to track the progress of the remaining recommendations.

For the Sake of Fairness:

The Case of Squadron Leader (Retired) Clifton Wenzel

On July 28, 2006, the Ombudsman participated in a ceremony with the Minister of National Defence, the Chief of the Defence Staff and Squadron Leader (Retired) Clifton Wenzel, officially welcoming the implementation of his recommendation to compensate Mr. Wenzel for the pension that he was unjustly denied for more than 40 years.

The compensation package for Squadron Leader (Retired) Clifton Wenzel followed a six-month investigation by the Office of the Ombudsman. In November 2005, the Ombudsman released a special report, *For the Sake of Fairness*, detailing Mr. Wenzel's 44-year-long battle for a military pension – and justice.

Mr. Wenzel left the Royal Canadian Air Force after more than 20 years of service, including 47 combat missions in the Second World War, but before the mandatory retirement age for his rank. At the time, the *Canadian Forces Superannuation Act* provided that he was entitled to a return of his contributions to the superannuation plan. It also provided that he could be granted a reduced pension if it was deemed to be in the public interest. He requested a reduced pension but was granted only a return of his contributions.

The Ombudsman's report concluded that the military had failed Mr. Wenzel. It was clear that the decision not to grant the decorated Veteran a reduced pension had been arrived at as a result of an unfair process, and the Ombudsman recommended that Mr. Wenzel be compensated for the pension he was unjustly denied.



After the release of *For the Sake of Fairness*, the Ombudsman followed up on his recommendations, on an ongoing basis, with two Ministers of National Defence. In welcoming the compensation package for Mr. Wenzel, Mr. Côté stated, "I am very proud of the thorough and professional work that our investigators did in this case and the role they played in helping to right this wrong."

When a Soldier Falls: Reviewing the Response to Master Corporal Rick Wheeler's Accidental Death

In November 2006, the Ombudsman also welcomed the compensation awarded to Mrs. Christina Wheeler and her family for the tragic death of her husband, Master Corporal Rick Wheeler, and for the unacceptable way in which the Department of National Defence and the Canadian Forces handled this unfortunate matter over many years.

This formal resolution for Mrs. Wheeler and her family followed an Ombudsman special investigation into the tragic death of Master Corporal Rick Wheeler in a training exercise in 1992, and the sub-standard military investigations that were conducted over more than a decade. One of the 34 recommendations in the Ombudsman's 2005 special report, *When a Soldier Falls: Reviewing the Response to Master Corporal Rick Wheeler's Accidental Death*, called on the Chief of the Defence Staff to "take action to acknowledge the unfair treatment that the immediate family of Master Corporal Wheeler received during the investigation of [his] death, and to ensure that appropriate measures are taken to ensure redress so that adequate closure can be obtained by the family."

In the spring of 2006, the Office of the Ombudsman had begun a follow-up

review of the level of implementation of the 34 recommendations in the 2005 special report, *When a Soldier Falls*. These recommendations fell into three broad categories of issues: the military Board of Inquiry process, the treatment of families whose military loved ones are killed or injured in the course of their duties, and compensation for the complainants.

In June 2006, the Chief of Military Personnel for the Canadian Forces informed Ombudsman investigators that, of the 34 recommendations, 21 had been completely implemented, 12 were pending implementation and one was under review. A detailed analysis by Ombudsman investigators determined that all recommendations related to the military Board of Inquiry process and compensation for the complainants were addressed to the satisfaction of the Office of the Ombudsman. At the same time, it was determined that a number of recommendations related to the treatment of families whose military loved ones are killed or injured in the course of their duties required a further follow-up review. That process was still underway when this report was submitted to the Minister of National Defence in April 2007.

Heroism Exposed: An Investigation into the Treatment of 1 Combat Engineer Regiment Kuwait Veterans (1991)

On November 2, 2006, the Ombudsman released a special report, entitled *Heroism Exposed: An Investigation into the Treatment of 1 Combat Engineer Regiment Kuwait Veterans (1991)*, regarding the treatment received by Canadian Forces members exposed to toxic environmental substances more than a decade and a half ago.

The Ombudsman's report followed a comprehensive, three-year investigation

into concerns raised by Major (Ret'd) Fred Kaustinen, former Deputy Commanding Officer of 1 Combat Engineer Regiment, that members of his Regiment were exposed to harmful substances throughout their deployment to Kuwait in 1991, and that their significant health concerns were systematically ignored during, and after, their service to Canada.

The investigation included more than 350 one-on-one interviews, 261 of which were with 1 Combat Engineer Regiment veterans of the Kuwait deployment. The investigation also included a review of the 2000 Croatia Board of Inquiry and two earlier operations in Afghanistan (2002 and 2003) to determine if the Department and the Canadian Forces have improved their practices since the 1991 Kuwait deployment.

The investigation was not an examination of potential causes of illnesses related to the First Gulf War, and not a review of the health consequences of the Kuwait experience. Instead, the investigation focused on the systemic treatment of Canadian Forces members that came forward with concerns about their exposure to harmful substances throughout their deployment in Kuwait.

Through this investigation, the Ombudsman found that members of 1 Combat Engineer Regiment on deployment in Kuwait were exposed to toxic environmental materials of various kinds for which they were not adequately prepared and about which they were not adequately informed.

Ombudsman investigators also found that the real and significant health concerns of 1 Combat Engineer veterans were not taken seriously when they returned to Canada from Kuwait.

"The core issue is one of trust," stated Mr. Côté when he released this special report.

"Our military members need to know – and truly believe – that if they go on a mission healthy and return sick, Canada will take care of them and their family. Unfortunately for 1 Combat Engineer Regiment veterans, this was not the case," added the military Ombudsman.

The investigation also found that documentation of the environmental exposures in Kuwait was inadequate in the medical files of those exposed. This means that a number of veterans have experienced great difficulty demonstrating a connection between their health concerns and the environmental hazards they faced in Kuwait, thus making future disability claims much more challenging and time consuming.

Also of note, Ombudsman investigators found that the Department and the Canadian Forces were unable to provide, with any certainty, a complete list of all of those Canadian Forces members who were deployed in Kuwait in 1991, with the result that the organization is unable to communicate effectively with Kuwait veterans or track and analyze health outcomes on an organization-wide basis.

In releasing his special report, the Ombudsman recognized that improvements had been made in the areas of environmental risk assessment and the protection of Canadian Forces members deployed overseas, particularly since the implementation of many Croatia Board of Inquiry recommendations. Indeed, the Ombudsman concluded that the Canadian Forces has an environmental health program that is now second to none among Canada's allies.

At the same time, the Ombudsman highlighted significant concerns that were uncovered through an examination of



Heroism Exposed:
An Investigation into
the Treatment
of 1 Combat
Engineer Regiment
Kuwait Veterans
(1991)



recent missions in Afghanistan. Specifically, investigators found that the Canadian Forces remained overly reactive in communicating environmental and health risks to its personnel, both in the theatre of operations and post-deployment. Ombudsman investigators also found that significant documentation problems identified in the case of the 1991 Kuwait deployment remained unaddressed more than a decade later.

Heroism Exposed contained nine recommendations aimed specifically at improving the way in which the Canadian Forces communicated and documented concerns – real, perceived and potential – related to environmental hazards on international military operations.

Shortly after the Ombudsman released his special report, the Minister of National Defence, the Honourable Gordon O'Connor, responded to questions in the House of Commons:

"Mr. Speaker, I met with the Ombudsman and reviewed his report and I have ordered our department to implement the changes immediately," stated Mr. O'Connor. He added, "We will not treat soldiers like they were treated in the past. We will make sure that from now on and into the future they will be treated properly when they return from missions."

In response to another question on the Ombudsman's special report, Prime Minister Stephen Harper stated:

"Once again, Mr. Speaker, the Minister of National Defence indicated that the government will accept the report. The treatment of veterans, in this case, was unacceptable to this government and we are going to correct the situation."

In May 2007, Ombudsman investigators began the follow-up phase to this investigation, requesting an update from the Chief of Military Personnel for the Canadian Forces on the level of implementation of the nine recommendations in the special report.

Unfair Deductions From SISIP Payments to Former Canadian Forces Members

On March 6, 2007, the Ombudsman wrote to the Minister of National Defence, the Honourable Gordon O'Connor, urging him to implement the two outstanding recommendations related to the Service Income Security Insurance Plan – Long Term Disability Plan (SISIP LTD) from an October 2003 special report, entitled *Unfair Deductions From SISIP Payments to Former Canadian Forces Members*.

SISIP LTD is a group disability insurance plan that guarantees disabled Canadian Forces members replacement income if they become "totally disabled" or if they are released from the Canadian military for medical reasons. The plan guarantees 75 percent of a Canadian Forces member's income level at the time of his or her release from the military for up to two years after his or her release. Following this, payments can continue until the former member reaches the age of 65 if he or she remains disabled.

However, SISIP LTD does not automatically pay 75 percent of the income level at release to former Canadian Forces members. The plan takes into account any other "relevant sources of income" and only pays out the amount that would bring the total income to the 75 percent level. Notably, SISIP LTD considers monthly *Pension Act* disability pensions as a "relevant source of income" and deducts such pensions from the amount that



would otherwise be paid to the former Canadian Forces member.

Many of the complaints received by the office concerned the deduction of these *Pension Act* disability pensions from monthly SISIP LTD benefits. Injured veterans argued that it was unfair that disability pensions were considered as a source of income under the SISIP LTD formula, when the purpose of the disability pension was not to act as income replacement but to compensate them for the pain and suffering they had endured as a result of becoming disabled while serving their country.

After a thorough investigation, the office agreed with the injured veterans and concluded that it was an unfair practice for SISIP LTD to consider *Pension Act* disability pensions as income and to deduct them from SISIP LTD benefits.

In October 2003, the office presented five recommendations to address this fundamental unfairness to then Defence Minister John McCallum. Since that time, three of the recommendations have been implemented. However, the following two remain outstanding:

1. That the Minister of National Defence present the necessary submission to the Treasury Board Secretariat of Canada and ensure all other necessary steps are taken to amend the SISIP LTD insurance policy so that *Pension Act* disability pensions do not reduce the amount of SISIP LTD benefits payable to former CF members; and
2. That the Minister of National Defence take the necessary steps to ensure that former CF members who had their SISIP LTD benefits reduced on account of disability pensions

received under the *Pension Act* should be reimbursed for the amounts that were deducted from their benefits as of October 27, 2000.

The recommendations received widespread public support, including from veterans, veterans associations and Parliamentarians. Most notably, the House of Commons passed a motion (November 7, 2006) calling on the federal government to "eliminate the unfair reduction of Service Income Security Insurance Plan long term disability benefits from medically released members of the Canadian Forces."

During the course of the original investigation, Ombudsman investigators were advised by SISIP officials that the cost of eliminating the *Pension Act* deductions from SISIP LTD monthly benefits would be approximately \$5 million a year. However, in May 2006, the office was informed that the total cost to implement the two outstanding recommendations in the special report was now estimated to be \$320 million.

As a result of this new information, the Ombudsman met with the President of SISIP in June 2006 in order to obtain an explanation of the estimates and the significant discrepancy. And, in October 2006, the Ombudsman was informed that the Office of the Superintendent of Financial Institutions had reviewed the estimates and determined that the cost of eliminating the *Pension Act* deductions from SISIP LTD monthly benefits, retroactive to October 2000, would be between \$275 million and \$295 million.

In his March 6, 2007 letter to the Minister, the Ombudsman recognized that this new estimate was significantly higher than originally assessed. However, he pointed



out that the inherent unfairness that the original recommendations sought to correct remained and needed to be addressed.

The Ombudsman also highlighted the fact that those who are suffering – former Canadian Forces members who have had to retire as a result of their injuries – are the most disadvantaged of our veterans. They often suffer from serious psychological or physical injuries incurred while serving their country. And yet they are penalized – in some cases, severely penalized – by rules that must be reviewed and changed.

In urging the Minister of National Defence to look at all reasonable solutions to finally address and resolve this fundamental unfairness, the Ombudsman concluded with the following points:

- The deduction of *Pension Act* benefits from SISIP LTD benefits is unfair, as the disability pensions paid out under the *Pension Act* were intended to compensate Canadian Forces members for pain, suffering and loss of enjoyment of life experienced as a result of service-related injuries, and not to replace lost salary.
- Treating the *Pension Act* disability pensions as income, which serves to reduce amounts paid out under SISIP LTD benefits, creates a serious inequity by denying those who need it most and those who deserve the highest degree of protection – Canada's disabled veterans – the full benefit of a compensation plan intended to assist those who suffer injuries as a result of military service.
- The group of individuals affected by this inequity is finite, as a result of the implementation of the *New Veterans Charter* and of the changes it brought to the way in which Canadian Forces members are compensated for injuries.

- The office's recommendations in *Unfair Deductions From SISIP Payments to Former CF Members* have received widespread public support.

The Ombudsman had not received a response from the Minister of National Defence when this annual report was finalized in April 2007.

A Sniper's Battle – A Father's Concern: An Investigation into the Treatment of a Canadian Forces Sniper Deployed to Afghanistan in 2002

In April 2007, the Ombudsman released *A Sniper's Battle – A Father's Concern*, which examined the treatment received by Master Corporal Graham Ragsdale, who was a sniper with the Third Battalion, Princess Patricia's Canadian Light Infantry, deployed to Afghanistan between February and July 2002, on the first rotation of *Operation Apollo*.

The investigation followed a complaint by the father of Master Corporal Ragsdale alleging that his son, and the other snipers in his son's group, were ostracized by their unit and treated unfairly by their chain of command in a number of ways, including: being denied access to stress debriefings; being denied recognition by their chain of command; and being subjected to unfounded criminal and other investigations. He believed that this treatment led to the development of post-traumatic stress disorder in his son and in other snipers in his son's group. Master Corporal Ragsdale's father also alleged that the Department and the Canadian Forces were not providing him with adequate and timely information in response to his inquiries. On September 20, 2004, the former Chief of the Defence Staff referred the complaint to the Office of the Ombudsman.

The subsequent investigation covered both aspects of Mr. Ragsdale's allegations: namely, how Master Corporal Ragsdale and the other snipers were treated before, during and after their deployment to Afghanistan; and how the Department and the Canadian Forces responded to Mr. Ragsdale's concerns.

As part of their investigation, Ombudsman investigators conducted a total of 147 interviews. They also reviewed all directives and publications relevant to the deployment of troops, obtained and examined the operational mission reports specifically related to the sniper missions, and analyzed correspondence and interactions that took place between Mr. Ragsdale and the Department and the Canadian Forces.

Through this investigation, the Ombudsman found that Master Corporal Ragsdale and the other snipers were generally treated fairly by the Canadian Forces before, during and after their deployment to Afghanistan.

However, the Ombudsman also found that the Department of National Defence and the Canadian Forces did not treat Master Corporal Ragsdale's father in an appropriate manner or in a way in which any other concerned family member of a soldier injured in operations would legitimately expect to be treated. The Ombudsman made it clear that, from a human perspective, a close family member going through what Mr. Ragsdale was going through deserved to be treated in a much better way.

A Sniper's Battle – A Father's Concern contained seven recommendations aimed at:

- Ensuring family members of Canadian Forces personnel who are injured or killed in the course of their duties are treated with compassion and respect and in a timely manner;

- Preventing and addressing operational stress injuries;
- Improving the awards and honours policies and practices of the Department of National Defence and the Canadian Forces; and
- Training and educating Canadian Forces members regarding their rights and responsibilities in dealing with journalists.

During the course of their work, the investigative team faced considerable resistance in obtaining documents from the Department and the Canadian Forces in a timely manner, a problem the office had not encountered previously in an investigation. Although, in the end, investigators were ultimately provided access to all relevant documentation, the ability of the office to treat this complaint in a timely manner was hindered.

In order to ensure that this type of situation does not happen again, the Ombudsman recommended that the office be provided with the same legislated investigative powers as other federally and provincially appointed Ombudsmen.

In releasing this special report, the Ombudsman committed to carrying out a follow up review, beginning in November 2007, to ensure that the recommendations will be implemented by the Department and the Canadian Forces.



A Sniper's Battle – A Father's Concern: An Investigation into the Treatment of a Canadian Forces Sniper Deployed to Afghanistan in 2002

Work in Progress

Ongoing Operational Stress Injuries (III) Investigation

In January 2006, the Office of the Ombudsman began a third formal investigation regarding the issue of operational stress injuries. This investigation is focussed on assessing the level of implementation of 31 recommendations made by the office in two previous special reports, *Systemic Treatment of Canadian Forces Members with Post-Traumatic Stress Disorder* and *Review of DND/CF Actions on Operational Stress Injuries*. The investigation has also identified a number of emerging issues of concern related to operational stress injuries that will be monitored and analyzed by Ombudsman investigators over the coming years.

It is expected that an Operational Stress Injuries III special report will be published in late summer or early fall of 2007.

Ongoing Investigation into the Treatment of Injured Reservists

On June 7, 2006, the Ombudsman launched a broad, nation-wide investigation into the treatment of Canadian Forces Reservists, with a particular focus on those Reservists who are injured in the course of their service to Canada and Canadians. This was the first systemic investigation undertaken by the Office of the Ombudsman involving Canada's Reserve Force.

Reserve Force members are being called upon more and more to assist in delivering the Canadian Forces' mandate. This includes providing support to the Regular Force during crises and natural disasters in Canada as well as critical augmentation to increasingly dangerous and demanding international missions such as the current operation in Afghanistan.

However, it appeared to the office that a number of Reservists who have been injured in the course of their duties, whether it was here in Canada or while deployed internationally, have faced a host of challenges regarding access to timely, adequate and ongoing medical care that Regular Force members do not. The Ombudsman determined that this potentially constituted a significant inequity in Canada's military.

Unlike Regular Force members, Reservists generally do not return from an operation to a formed unit where they would have access to caregivers, support programs and systems (e.g., the *Return to Work Program*) and administrative assistance. Instead, many Reservists return home and are absorbed into mainstream society, effectively severing their ties to the military establishment.

This means that if a Reservist suffers a service-related mental injury (such as an operational stress injury) or physical injury that develops subsequent to their return from an operation, they may be denied access to immediate or more specialized care. It also means that, should a Reservist opt to apply to Veterans Affairs Canada for disability compensation, he or she may encounter difficulties in gathering the required documentation to support his or her claim. Finally, it is significant to note that, if a Reservist suffers a serious injury, he or she may face a loss of wages or even a loss of their civilian employment as a result. Regular Force members, however, are entitled to uninterrupted pay throughout a medical leave period.

Ombudsman investigators examined the treatment of Reservists and former Reservists who sought medical support from the Canadian Forces over the last three years. Specifically, the investigative team examined: the adequacy of the

Canadian Forces or civilian medical support available; the ease with which Reservists can access medical support; the quality of assistance received by Reservists in working their way through the administrative process; the unit's efforts to assist and follow-up on any issues the member identified regarding medical support; and their experience with the provision and application of post-injury care policies such as those that might have provided compensation, extended service, medical support or other benefits.

Ombudsman investigators have now completed the evidence gathering and analysis phase. The office is now in the report production phase, and it is anticipated that the report will be submitted to the Minister of National Defence in late summer 2007.

CASES BY CATEGORY OF COMPLAINANT: 2006-2007

Regular Force	573
Reserve Force	310
Former Military Member	301
Family Member	104
Applicant to the Regular Force	43
Civilian Employee	25
Anonymous	21
Applicant to the Reserve Force	19
Cadet	13
Former National Defence Employee	10
Non-Public Fund Employee	2
Other	65
Total	1,486



About the Office

Office Structure

Since its creation in June of 1998, the Office of the Ombudsman has contributed to substantial and long-lasting positive change for the men and women of the Canadian Forces, employees of the Department of National Defence, and their families.

The office acts as a direct source of information, referral and education, helping members of the Defence community navigate a large and complex organization in order to access existing channels of assistance when they have a complaint or concern. The office is also responsible for reviewing and investigating complaints from Canadian Forces members, departmental employees, and their families who believe they have been treated improperly or unfairly by the Department or the Canadian Forces. More broadly, the office has a mandate to investigate and make recommendations to improve the overall well-being and quality of life of the members of the Defence community.

In fulfilling this important mandate, the Ombudsman is completely independent of the military chain of command and senior civilian management, reporting directly to the Minister of National Defence. The Ombudsman is designated through a Governor-in-Council order, pursuant to section 5 of the *National Defence Act*.

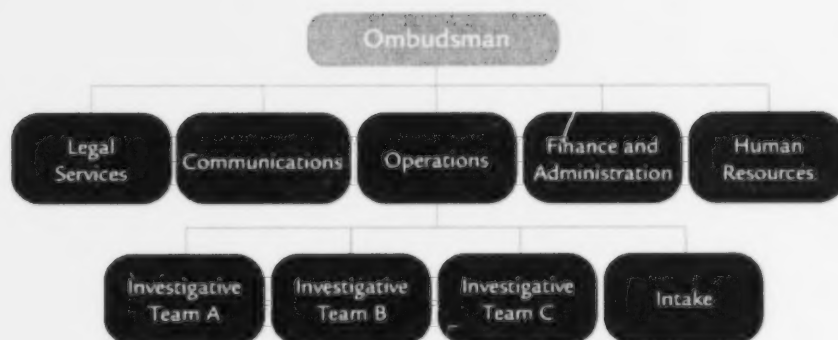
The Ombudsman is supported by approximately 50 public servants who are organized into the five sections: Legal Services, Communications, Operations, Finance and Administration, and Human Resources.

Some 30 intake officers and investigators perform the office's core function. Together,

they have significant knowledge of, and expertise in, military matters. Ombudsman investigators include former local and national police officers, former Canadian Forces members of all ranks and occupations, public servants from across the federal government and a former ombudsman from another jurisdiction. The Ombudsman also has a special advisor for each military environment: a former Brigadier-General from the Air Force, a former Formation Chief Petty Officer from the Navy, and a former Army Colonel.

In 2006-2007, the Operations group was reorganized with the objective of providing better quality, and more efficient, service to the members of the Defence community. The reorganization process began with the establishment of a Working Group made up of experienced investigators, intake officers and an outside consultant. The Working Group was led by a senior investigator with experience in evaluation and organizational development, and was given the mandate to examine all of the relevant operational aspects of the office, determine the strengths and weaknesses that existed and make recommendations that would improve overall efficiency and effectiveness of the Operations group.

The Working Group interviewed all staff within the Operations group, as well as key members in other sections. The Working Group also analyzed internal data from the Operations group and consulted extensively with relevant organizations and subject matter experts within and outside the federal public service. Within two months of its creation, the Working Group delivered its recommendations to the Ombudsman. The Working Group used the services of an experienced outside consultant to validate its findings and recommendations.



As part of its review of the Operations group, the Working Group developed a number of principles upon which the recommendations for change would be based. These principles included: the overriding importance of providing a high-level of service to the Defence community; the need to develop a decisive organizational culture; the importance of maintaining integrity and transparency in all of its processes; the need for accountability, flexibility and responsiveness; and the need to develop a more knowledge-based organization with the capacity for innovative thinking.

Flowing from these principles, the Working Group recommended that the current structure of the Operations group (which included a General Investigations section and a Special Ombudsman Response Team) be replaced by three smaller, more flexible teams of investigators. Each team would be led by a director and would be capable of managing both individual and systemic investigations.

The Working Group also recommended the triaging of case files into three categories: those that were amenable to early intervention; those that warranted investigation but could be resolved informally; and those complex files that needed extensive investigation and resources. This, in

turn, indicated the need to expand the capacity of Intake to allow that section to identify and examine cases that appeared to be amenable to early intervention.

The Working Group also recommended the development of a readily accessible set of standard operational procedures, as well as a case tracking and management information system that could support all three levels of intervention.

Finally, the Working Group recommended the development of a directorate responsible for research and policy development that could provide advice and analysis to help guide the long-term evolution of the office.

The Ombudsman accepted all of the Working Group's recommendations and created a Transition Team to develop the components that would be needed to implement the recommended changes.

The Transition Team began its work by identifying and documenting each step in the process of responding to a complaint or an inquiry. Intake officers, investigators and managers reviewed process flowchart descriptions for clarity and accuracy. Delays and bottlenecks were identified and the process was changed to remove them. The Transition Team completed this stage of its work by defining a new process flowchart and preparing a narrative



description of the steps involved in responding to complaints or inquiries from the Defence community.

The next stage involved the Transition Team evaluating each position within the Operations group. Once this was completed, all position descriptions were revised to bring them into line with the requirements of the new process, and the revised descriptions were then classified according to the new criteria. In the case of new functions (e.g., Directors of Intake and Investigations and Complaint Analyst), position descriptions were developed and the positions were subsequently classified.

The third major stage involved analyzing the type of information that would be needed to support the new operational process, and then translating that into a 'user-requirements' document. With that document, the Transition Team was able to determine the type of computerized case tracking and management information system that would be needed to fulfill the requirements of the Operations group.

As of March 31, 2007, the implementation of the new organizational structure and operational procedures was fully underway. These significant changes will be completed in the first part of 2007-2008, and will go a long way in improving the quality and timeliness of the services provided by the Office of the Ombudsman to the members of the Defence community.

Investigative Process

Individual Complaints

The Office of the Ombudsman serves as an office of last resort. Unless there are compelling circumstances associated with a complaint or concern, members of the

Defence community coming to the office for assistance must exhaust all existing internal review mechanisms, including:

- The Canadian Forces grievance process;
- The Public Service grievance and complaints process; or
- The Military Police Complaints Commission.

When individual members of the Defence community approach the office for assistance or information, they are welcomed by an experienced intake officer who will:

- Review the complaint and provide needed information;
- Where appropriate, refer the individual to the appropriate resource or review mechanism;
- Recommend forwarding the complaint to an Investigative team for further assessment; or
- Attempt to resolve the issue informally at the lowest level possible.

Ombudsman investigators handle complaints or concerns from members of the Defence community. Whenever possible, investigators use alternate dispute resolution techniques to achieve positive results for all parties. In all cases, the actions of Ombudsman investigators are based on the fundamental principles of impartiality and fairness.

When no resolution is found, the office can intervene in different ways, depending on the seriousness and urgency of any specific matter. These interventions can take the form of the Ombudsman engaging in discussions with, or sending letters to, the Minister of National Defence, his staff, the Chief of the Defence Staff, or other senior officers of the Canadian Forces or

officials of the Department. In significant cases, if an intervention is made by way of a letter (for example, to the Minister or the Chief of Defence Staff), both the Ombudsman's letter and the reply he receives are generally made public on the office's website.

Systemic Investigations

Cases that demonstrate an emerging trend and that may have potentially broad systemic implications for the Defence community or the institution may be assigned to teams of Ombudsman investigators for in-depth examination. The results of these investigations, including recommendations for change, are made public.

The following is a brief description of the typical investigative process for a systemic investigation. In general, the process can be broken down into four 'blocks' involving investigative work, report preparation, follow up and file closure. Steps in this process, as well as the time associated with the steps, will differ slightly for each investigation.

It should be noted that, prior to launching a systemic investigation, investigators conduct an assessment of the issue of concern. This includes researching similar complaints, scoping out relevant areas of investigation and estimating resource requirements. Investigators also undertake investigative planning, including: establishing an investigative strategy, obtaining research on all applicable rules, regulations and guidelines associated with the issue(s) being investigated, and establishing a list of witnesses to interview.

Once a systemic investigation is officially launched, the Office of the Ombudsman aims to make public its findings and recommendations within nine months.

Block One – Investigative Work (Six Months)

Step One – Evidence Gathering

During this step of the investigative process, a dedicated team of investigators conducts field visits and interviews with all identified stakeholders, in addition to collecting all relevant documentation.

Step Two – Review and Analysis of Evidence

This step of the process involves reviewing and analyzing all of the information that was gathered by investigators. Some of the activities undertaken in this step include:

- Identifying contentious issues and obtaining a legal interpretation on them;
- Verifying policy application standards with military staff at the appropriate headquarters level;
- Conducting comparative research;
- Researching precedence cases;
- Establishing a list of findings and recommendations;
- Consolidating supporting evidence and verifiable facts; and
- Deciding on the format of the final product (i.e., letter or report).

Step Three – Drafting of Report or Letter

This step of the investigative process includes:

- Drafting a report or letter;
- Determining the requirement for external consultation;
- Identifying and consulting with stakeholders who need to review the final draft;



- Analyzing comments from stakeholders and making factual changes to the final draft, as appropriate; and
- Establishing a timeline for the implementation of the recommendations contained in the report or letter.

The Ombudsman and Director General of Operations are involved in the report or letter drafting process and, ultimately, approve the final product.

Block Two – Report Preparation and Submission to Minister (Three Months)

After the investigative work is completed, the report or letter is formatted, translated and printed. At this point, the Ombudsman also determines how the report or letter will be made public.

Once the report or letter is finalized and translated, a copy is provided to the Minister of National Defence. According to the mandate of the office, the Minister has 28 calendar days to review the report or letter before it can be made public.

After the Minister's review of the report or letter, it can be released publicly if it is deemed in the public interest to do so. Typically, the Ombudsman does this through a press conference and/or by posting the report or letter on the Ombudsman's website.

Block Three – Follow-up Action

The Operations group conducts a follow-up review to assess the status of implementation of the recommendations contained in a report or letter six months after its public release. This follow-up review includes:

- Developing a matrix of recommendations, actions to be implemented and timelines for each recommendation;
- Obtaining and analyzing documentation and information from the Department of National Defence and the Canadian Forces regarding the status of implementation of each recommendation;
- Conducting follow-up interviews and research, as required; and
- Making public any concerns, or potentially launching a new investigation, if not satisfied with the results of the follow-up review.

The timelines for the completion of this block will differ with each investigation.

Block Four – File Closure

Once the follow-up review is completed, the Operations group conducts a review of the file to gather 'lessons learned' prior to its closure. Depending on the type of issue, the investigations group may continue to monitor the file over time.

Ombudsman's Advisory Committee

The Ombudsman's Advisory Committee consists of volunteers with specialized expertise in military matters and comprehensive knowledge of the ombudsman profession. The committee provides the Ombudsman and the office with strategic advice and guidance related to the mandate, professional principles and structure of the office.

Over the past year, committee members have worked diligently and generously to help the Ombudsman and the office deliver on its mandate. The committee has provided important input on some of the broader issues facing the Department of National Defence and the Canadian Forces, including: the 'human dimension' related to the mission in Afghanistan; operational stress injuries and post-traumatic stress disorder; the treatment of military members who are injured in the course of their service; and the challenges facing military families.

As the Ombudsman continues to chart an ambitious course for the office, the Ombudsman's Advisory Committee will help to ensure that he has the information and insight that he needs to succeed.

In 2006-2007, the Ombudsman bid farewell to two long-standing members of the Advisory Committee: Brigadier-General Patricia Brennan and Master Warrant Officer (Ret'd) Mike Spellen. This year also saw the addition of Lieutenant-Colonel the Reverend Canon Baxter Park to the committee.

Current committee members include:

- Lieutenant-General (Ret'd) Michael Caines is the Chair of the Ombudsman's Advisory Committee. He retired from the role of Assistant Deputy Minister (Human Resources-Military) in 2000 after 35 years of service.
- Ms. Colleen Calvert is the Executive Director of the Halifax Military Family Resource Centre.
- Sergeant (Ret'd) Thomas Hoppe was awarded the Meritorious Service Cross and the Medal of Bravery during his lengthy service in Canada's military.
- Mr. Clare Lewis, Q.C., is the former Ombudsman of Ontario.



Back row (L-R): LGen (Ret'd) Michael Caines; Mr. Bruno Hamel; MWO (Ret'd) Mike Spellen; Sgt (Ret'd) Tom Hoppe; LCol Baxter Park; CWO Mike Nassif.
Front row (L-R): Mr. Clare Lewis; Ms. Colleen Calvert; Mr. Yves Côté, Ombudsman; Ms. Nathalie Des Rosiers; Maj. Eve Mallette.

- Major Eve Mallette is responsible for the Support Section of the Canadian Forces Management Development School (St-Jean campus).
- Chief Warrant Officer Mike Nassif is the current Command Chief for the Chief of Military Personnel.
- Ms. Nathalie Des Rosiers is the Dean of Civil Law at the University of Ottawa.
- Lieutenant-Colonel the Reverend Canon Baxter Park currently works in the Directorate of Chaplain Policy.
- Mr. Bill Tanner, a Second World War Veteran, was instrumental in the creation of the \$50 million Chemical Warfare Agent Testing Recognition Program that was established to recognize and compensate Canadian Veterans who were subjected to chemical agent testing in Suffield and Ottawa during and after the war. Mr. Tanner currently serves as an honorary member of the committee.

Ombudsman Commendations

The Ombudsman's Commendations, awarded annually, recognize individuals and groups across the Defence community who have clearly gone above and beyond the normal requirements of their job to help bring positive and lasting change to the Department of National Defence and the Canadian Forces. The awards also recognize those who demonstrate exceptional problem-solving and complaint resolution skills.

At a special ceremony held in Ottawa on Parliament Hill on June 7, 2006, the Ombudsman honoured six members of the Defence community with Commendations for Ethics and Complaint Resolution. Parliamentarians, including Mr. Russ Hiebert, Parliamentary Secretary to the Minister of National Defence, attended the event. Lieutenant-General Andrew Leslie, Chief of the Land Staff, and senior staff from the Department of National Defence and the Canadian Forces were also present to recognize these outstanding members of the Defence community.

Recipients of the *Commendation for Ethics*

Ms. Marie Joannisse

Through her strong convictions and dedicated efforts, Ms. Marie Joannisse helped to promote integrity, fairness and openness in resource management within the Human Resources (Civilian) group in the Department of National Defence. On her own initiative, Ms. Joannisse success-



(L-R): Mr. Russ Hiebert, Commander Frank Vandervoort, Lieutenant-Colonel Jean St-Arnaud, Mr. John Wickett, Mr. Yves Côté, Ms. Marie Joannisse, Colonel Denys Guérin, Chief Petty Officer 2 = Class Rick Martin, Lieutenant-General Andrew Leslie



fully instituted a common base of accepted and practiced values and ethics in order to guide and facilitate more independent and effective decision-making within Human Resources (Civilian). As a result of Ms. Joannisse's hard work, resource managers at all levels within the group are more aware of their responsibilities related to ethical conduct when making resource management decisions.

Lieutenant-Colonel Jean St-Arnaud

During his 35-year career in the Canadian Forces, Lieutenant-Colonel Jean St-Arnaud distinguished himself as a professional, caring and compassionate individual who always looked out for the best interests of those under his command. On countless occasions, Lieutenant-Colonel St-Arnaud went above and beyond the call of duty to provide support and encouragement to those who might otherwise have been overlooked and, in the process, gained the lasting respect of those who served alongside him.

Chief Petty Officer 2nd Class Rick Martin

As Senior Combat Information Operator Instructor and Section Chief Petty Officer at Canadian Forces Fleet School Esquimalt, Chief Petty Officer (2nd Class) Rick Martin served as an inspirational leader who routinely handled challenging personnel issues with sensitivity and the utmost professionalism. Through his personal intervention in a number of complex cases, Chief Martin made a real and positive difference in the lives of countless members of the Canadian Forces. Chief Martin's very high standards of personal integrity, dedication and selfless devotion set an exceptional standard across the organization.

Recipients of the Liz Hoffman Memorial Commendation for Complaint Resolution

Colonel Denys Guérin

As Special Advisor to the Assistant Deputy Minister for Human Resources (Military), Colonel Denys Guérin displayed a remarkable commitment to fairness and a profound respect for the welfare of serving and former Canadian Forces members. Demonstrating exceptional leadership and a determination to address instances of real injustice, Colonel Guérin employed innovative solutions to resolve a number of specific personnel issues that others refused to address. As a result of Colonel Guérin's compassion and dedicated efforts, several serving and former members of the Canadian Forces received the respect and fair treatment for which they were searching.

Commander Frank Vandervoort

Through his determined efforts and commitment to fairness, Commander Frank Vandervoort made a real and positive difference in the lives of nearly one hundred fifty Canadian Forces members deployed abroad as part of the international campaign against terrorism. When he was informed of a significant inequity related to special clothing allowances for Electronic, Mechanical and Engineering Section technicians deployed to Camp Mirage, Commander Vandervoort demonstrated exemplary leadership in pursuing a timely, innovative and fair solution for all of those Canadian Forces members involved.

Mr. John Wickett

Through his extraordinary dedication and compassion, Mr. John Wickett provided invaluable assistance to countless Canadian veterans and former Canadian Forces members in need. Always going well

beyond what was asked or expected of him, Mr. Wickett helped to correct real injustices and inequities at both the individual and broader systemic level. Most notably, Mr. Wickett was instrumental in the successful implementation of the Chemical Warfare Agent Testing Program and in helping former soldiers and their families come to terms with a difficult period in Canada's history. Significantly, this was the first time that an Ombudsman commendation was awarded to an individual from outside of the Department of National Defence or the Canadian Forces.

Sadly, Mr. Wickett passed away in the months following the awards ceremony. His contribution to the office and his tireless dedication to assisting members of the Defence community had a lasting and positive impact on all those who worked alongside him.

Ombudsman's Special Recognition Award

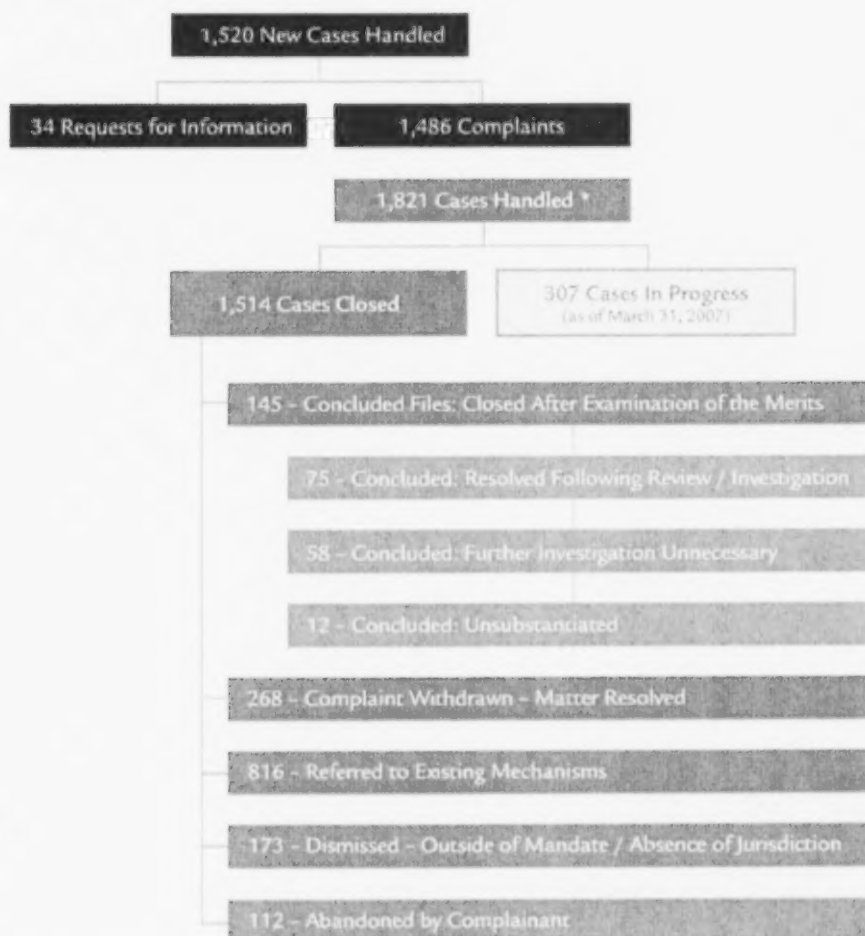
In the fall of 2006, the Ombudsman, in consultation with the Ombudsman's Advisory Committee, replaced the Commendation for Ethics with the Ombudsman's Special Recognition Award. The change came following a review of the office's commendations, including: the overall vision for the awards; the selection criteria; the marketing program; and the overall commendation process. The new award better reflects and reinforces the ultimate mission of the Ombudsman's Office: contributing to substantial and long-lasting improvements in the Defence community.

The new eligibility criteria for the commendations have been applied to nominations for the 2007 Ombudsman's Commendations, and the awards themselves will be handed out on May 30, 2007. Information on the commendations, the commendations process and criteria can be found on the office's new website (www.ombudsman.forces.gc.ca).



Appendix I – Complaints

Disposition of Cases (2006-2007)



* This does not include cases re-opened in 2006-2007 or cases carried over from previous fiscal years.

Appendix II – Financial Report

Summary of Expenditures

During the past fiscal year, the Office of the Ombudsman was able to deliver its services under its allotted budget.

In 2006-2007, the Minister of National Defence approved a budget of \$6.2 million. The actual expenditures of the office totalled \$5.3 million, of which \$3.4 million (or 64%) was related to salaries.

Summary of Expenditures

Miscellaneous	\$12,601
Mail and courier services	\$14,771
Supplies	\$30,618
Training and professional dues	\$36,041
Acquisition/rental of IT & office equipment	\$58,394
Office improvements and maintenance	\$76,021
Telecommunications & IT connections	\$118,601
Travel and transportation	\$173,614
Communications & public outreach	\$176,552
Professional & special services	\$379,797
Office rent	\$811,095
Salaries	\$3,434,208
Total	\$5,322,313



Ombudsmen – National Defence and Canadian Forces

